

Practitioner's Docket No. 0037.00



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Clark, Andrew
Application No.: 09/414,384 Group No.: 1619
Filed: October 7, 1999 Examiner: R.Bawa
For: Flow Resistance Modulated Aerosolized Active Agent Delivery

Assistant Commissioner for Patents
Washington, D.C. 20231

The following sections are being submitted for this Information Disclosure Statement:

1. Forms PTO/SB/08A and 08B (formerly Form PTO-1449)
2. Copies of Listed Information Items Accompanying This Statement
3. Identification of Person(s) Making This Information Disclosure Statement

Section 1. Forms PTO/SB/08A and 08B (substitute for Form PTO-1449)

U.S.:

AA	4,338,931	Cavazza	07/13/1982
AB	4,907,583	Wetterlin et al	03/13/1990
AC	4,926,852	Zoltan et al.	05/22/1990
AD	4,955,371	Zamba et al.	09/11/1990
AE	4,991,745	Brown	02/12/1991
AF	5,027,806	Zoltan et al.	07/02/1991
AG	5,033,655	Brown	07/23/1991
AH	5,042,472	Bunin	08/27/1991
AI	5,161,524	Evans	11/10/1992
AJ	5,184,641	Kuhn	02/09/1993
AK	5,201,308	Newhouse	04/13/1993
AL	5,213,236	Brown et al.	05/25/1993
AM	5,339,995	Brown et al.	08/23/1994
AN	5,377,877	Brown et al.	01/03/1995
AO	5,385,140	Smith	01/31/1995
AP	5,409,144	Brown	04/25/1995
AQ	5,435,301	Herold et al.	07/25/1995
AR	5,437,271	Hodson et al	08/01/1995
AS	5,439,143	Brown et al.	08/08/1995
AT	5,447,151	Bruna et al.	09/05/1995
AU	5,458,135	Patton et al.	10/17/1995
AV	5,483,954	Mecikalski	01/16/1996
AW	5,513,630	Century	05/07/1996
AX	5,529,059	Armstrong et al.	06/25/1996
AY	5,533,505	Kallstrand et al.	07/09/1996
AZ	5,542,412	Century	08/06/1996
BA	5,568,807	Mecikalski	10/29/1996
BB	5,617,845	Poss et al.	04/08/1997
BC	5,653,223	Pruitt	08/05/1997

BD	5,654,007	Johnson et al.	08/05/1997
BE	5,655,520	Howe et al.	08/12/1997
BF	5,692,496	Casper et al.	12/02/1997
BG	5,699,789	Hendricks	12/23/1997
BH	5,724,959	McAughey et al.	03/10/1998
BI	5,727,546	Clarke et al.	03/17/1998
BJ	5,740,794	Smith et al.	04/21/1998
BK	5,775,320	Patton et al.	07/07/1998
BL	5,785,049	Smith et al.	07/28/1998
BM	5,813,401	Radcliff et al.	09/29/1998
BO	5,826,571	Casper et al.	10/27/1998
BP	5,826,633	Parks et al.	10/27/1998
BQ	5,875,776	Vaghefi	03/02/1999
BR	5,881,719	Gottenauer et al.	03/16/1999
BS	5,896,853	Howlett	04/27/1999
BT	5,921,237	Eisele et al.	07/13/1999
BU	5,922,354	Johnson et al.	07/13/1999
BV	5,975,076	Yianneskis et al.	11/02/1999
BW	5,983,893	Wetterlin	11/16/1999
BX	5,988,163	Casper et al.	11/23/1999
BY	6,006,747	Eisele et al.	12/28/1999
BZ	6,012,454	Hodson et al.	01/11/2000
CA	6,029,661	Whaley et al.	02/29/2000
CB	6,055,979	Fuchs	05/02/2000
CC	6,055,980	Mecikalski et al.	05/02/2000
CD	6,065,472	Anderson et al.	05/23/2000
CE	6,070,573	Howe et al.	06/06/2000
CF	6,089,228	Smith et al.	07/18/2000
CG	6,102,036	Slutsky et al.	08/15/2000
CH	6,105,574	Jahnsson	08/22/2000
CI	6,109,261	Clarke et al.	08/29/2000
CJ	6,116,237	Schultz et al.	09/12/2000
CK	6,116,239	Volgyesi	09/12/2000

International:

CL	EP	0,714,314	Fisons plc	10/14/1998
CM	EP	0,805,696	Direct-Haler A/S	03/15/2000
CN	EP	0,808,635	Bespak PLC	11/26/1997
CO	WO	91/14422	MN Mining & Mfg.Co	02/10/1991
CP	WO	96/09085	Inhale Therapeutic	02/03/1996
CQ	WO	96/32149	Inhale Therapeutic	02/10/1996

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	09/414,384
		Filing Date	10/07/1999
		First Named Inventor	Andrew Clark
		Group Art Unit	1619
		Examiner Name	
Sheet 1	of 4	Attorney Docket Number	0037.00

U.S. PATENT DOCUMENTS						
Examiner Initials ¹	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	AA	4,338,931		Cavazza	07/13/1982	
	AB	4,907,583		Wetterlin et al.	03/13/1990	
	AC	4,926,852		Zoltan et al.	05/22/1990	
	AD	4,955,371		Zamba et al.	09/11/1990	
	AE	4,991,745		Brown	02/12/1991	
	AF	5,027,806		Zoltan et al.	07/02/1991	
	AG	5,033,655		Brown	07/23/1991	
	AH	5,042,472		Bunin	08/27/1991	
	AI	5,161,524		Evans	11/10/1992	
	AJ	5,184,641		Kuhn	02/09/1993	
	AK	5,201,308		Newhouse	04/13/1993	
	AL	5,213,236		Brown et al.	05/25/1993	
	AM	5,339,995		Brown et al.	08/23/1994	
	AN	5,377,877		Brown et al.	01/03/1995	
	AO	5,385,140		Smith	01/31/1995	
	AP	5,409,144		Brown	04/25/1995	
	AQ	5,435,301		Herold et al.	07/25/1995	
	AR	5,437,271		Hodson et al.	08/01/1995	
	AS	5,439,143		Brown et al.	08/08/1995	
	AT	5,447,151		Bruna et al.	09/05/1995	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	CL	EP	0,714,314		Fisons plc	10/14/1998		
	CM	EP	0,805,696		Direct-Haler A/S	03/15/2000		
	CN	EP	0,808,635		Bespak PLC	11/26/1997		
	CO	wo	91/14422		MN Mining & Mfg.Co	02/10/1991		
	CP	wo	96/09085		Inhale Therapeutic	02/03/1996		
	CQ	wo	96/32149		Inhale Therapeutic	02/10/1996		

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box → ☐

Approved for use through 10/31/99. OMB 0651-0031
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Complete if Known		
	Application Number	09/414,384			
	Filing Date	10/07/1999			
	First Named Inventor	Andrew Clark			
	Group Art Unit	1619			
	Examiner Name				
Sheet	2	of	4	Attorney Docket Number	0037.00

U.S. PATENT DOCUMENTS						
Examiner Initials ¹	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	AU	5,458,135		Patton et al.	10/17/1995	
	AV	5,483,954		Mecikalski	01/16/1996	
	AW	5,513,630		Century	05/07/1996	
	AX	5,529,059		Armstrong et al.	06/25/1996	
	AY	5,533,505		Kallstrand et al.	07/09/1996	
	AZ	5,542,412		Century	08/06/1996	
	BA	5,568,807		Mecikalski	10/29/1996	
	BB	5,617,845		Poss et al.	04/08/1997	
	BC	5,653,223		Pruitt	08/05/1997	
	BD	5,654,007		Johnson et al.	08/05/1997	
	BE	5,655,520		Howe et al.	08/12/1997	
	BF	5,692,496		Casper et al.	12/02/1997	
	BG	5,699,789		Hendricks	12/23/1997	
	BH	5,724,959		McAughey et al.	03/10/1998	
	BI	5,727,546		Clarke et al.	03/17/1998	
	BJ	5,740,794		Smith et al.	04/21/1998	
	BK	5,775,320		Patton et al.	07/07/1998	
	BL	5,785,049		Smith et al.	07/28/1998	
	BM	5,813,401		Radcliff et al.	09/29/1998	
	BO	5,826,571		Casper et al.	10/27/1998	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				

Examiner Signature	Date Considered
---------------------------	------------------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box → +

PTO/SB/08A (10-96)
Approved for use through 10/31/99. OMB 0651-0031
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>		Complete if Known	
Application Number	09/414,384		
Filing Date	10/07/1999		
First Named Inventor	Andrew Clark		
Group Art Unit	1619		
Examiner Name			
Attorney Docket Number	0037.00		



U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. 1	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	BP	5,826,633		Parks et al.	10/27/1998	
	BQ	5,875,776		Vaghefi	03/02/1999	
	BR	5,881,719		Gottenauer et al.	03/16/1999	
	BS	5,896,853		Howlett	04/27/1999	
	BT	5,921,237		Eisele et al.	07/13/1999	
	BU	5,922,354		Johnson et al.	07/13/1999	
	BV	5,975,076		Yianneskis et al.	11/02/1999	
	BW	5,983,893		Wetterlin	11/16/1999	
	BX	5,988,163		Casper et al.	11/23/1999	
	BY	6,006,747		Eisele et al.	12/28/1999	
	BZ	6,012,454		Hodson et al.	01/11/2000	
	CA	6,029,661		Whaley et al.	02/29/2000	
	CB	6,055,979		Fuchs	05/02/2000	
	CC	6,055,980		Mecikalski et al.	05/02/2000	
	CD	6,065,472		Anderson et al.	05/23/2000	
	CE	6,070,573		Howe et al.	06/06/2000	
	CF	6,089,228		Smith et al.	07/18/2000	
	CG	6,102,036		Slutsky et al.	08/15/2000	
	CH	6,105,574		Jahnsson	08/22/2000	
	CI	6,109,261		Clarke et al.	08/29/2000	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

[illegible][illegible]

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.

+

Application Type
Practitioner Docket No.
Application No.

PTO Acknowledgment Postcard
Filed Application
0037.00
09/414,384

Date Sent
Customer No.

02/26/2001
21968

Examiner
Mail Service

R. Bawa
First Class Mail

Group Art Unit

1615

Inventor(s)

Andrew Clark

Invention Title

FLOW RESISTANCE MODULATED AEROSOLIZED ACTIVE AGENT DELIVERY

Documents Submitted

Oath or Declaration
Amendment Transmittal
Response Restriction Req.
Fee Calculation Sheet
IDS

Sent

pages

2
5
1
2

Drawings
PTO/SB/08A
Cited References

Sent

pages

4



Contact Person

Michael J. Rafa

RECEIVED

MAR 14 2001

INHALE THERAPEUTIC SYSTEMS